

# Staff Summary Report



Hearing Officer Hearing Date: April 15, 2008

Agenda Item Number: 4

**SUBJECT:** This is a public hearing for a request by **LA PITA BAR AND GRILL (PL080102)** located at 505 South Mill Avenue for one (1) use permit.

**DOCUMENT NAME:** 20080415dssd02

**PLANNED DEVELOPMENT (0406)**

**SUPPORTING DOCS:** Yes

**COMMENTS:** Hold a public hearing for a request by **LA PITA BAR & GRILL (PL080102)** (James Hoffman/ La Pita on Mill LLC, applicant; Reds Moviola Inc., property owner) located at 505 South Mill Avenue in the CC, City Center District for:

**ZUP08048** Use permit to allow live entertainment (karaoke, DJ, live acoustic music).

**PREPARED BY:** Shawn Daffara, Planner II (480-858-2284)

**REVIEWED BY:** Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

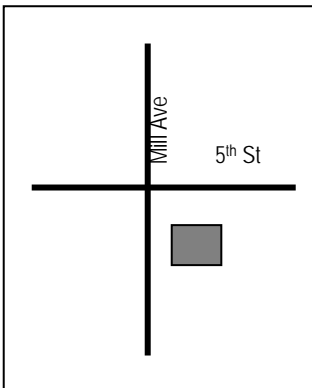
A handwritten signature in black ink, appearing to read 'SEA'.

**LEGAL REVIEW BY:** N/A

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff – Approval subject to Conditions 1-6

**ADDITIONAL INFO:** La Pita Bar and Grill is requesting a use permit to allow live entertainment (live music both acoustic and amplified, karaoke and DJ) at a restaurant/bar located at 505 South Mill Avenue in the CC, City Center District. To date, staff has received no public input for this request. In that this use is not out of character with the area's existing retail and commercial businesses, staff recommends approval of the use permit request subject to conditions.



**PAGES:**

1. List of Attachments
2. Comments; Reasons for Approval
3. Conditions of Approval; History & Facts/Description; Zoning & Development Code Reference

**ATTACHMENTS:**

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Staff Photograph

## COMMENTS:

La Pita Bar and Grill is requesting a use permit to allow live entertainment in the form of live acoustic and amplified music, DJ and Karaoke at the existing restaurant/bar located at 505 South Mill Avenue in the CC, City Center District. The Mediterranean themed restaurant/bar holds a series 12 Arizona Department of Liquor Control license and has been in operation since July 2007. The hours of operation will be Monday and Tuesday from 11:00 AM to 1:00 AM, Wednesday through Saturday 11:00 AM to 3:00 AM and Sunday 12:00 PM to 12:00 AM and the business will have five (5) full time and up to six (6) part time employees. The applicant indicates that entertainment will be scheduled Wednesdays to Saturdays from 9:00 PM to 2:00 AM.

In that this request is not out of character with the Mill Avenue District's existing retail and commercial businesses, staff recommends approval of the use permit request subject to conditions.

To date, staff has received no public input on this request.

## Use Permit

The Zoning and Development Code requires live entertainment to obtain a use permit in the CC, City Center District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

- a. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
  - There should be no significant increase in vehicular or pedestrian traffic in adjacent areas.
- b. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
  - This use is similar to others in the downtown area; sound from music will have to conform to the noise ordinance.
- c. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
  - The proposed requested use should not contribute to neighborhood deterioration or downgrade property values.
- d. Compatibility with existing surrounding structures and uses;
  - The proposed use appears to be compatible with surrounding structures and uses.

## Conclusion

Staff recommends approval of the use permit.

## REASON(S) FOR APPROVAL:

1. The business is a general commercial use (restaurant/bar), and is compatible with the other businesses on the property and within the area.
2. No apparent nuisance resulting from noise, smoke, odor, dust, vibration, or glare.
3. No apparent hazards to persons or property from possible explosion, contamination, fire or flood.

**SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.**

**CONDITION(S)  
OF APPROVAL:**

1. This use permit is valid for "La Pita Bar and Grill" and may be transferable. Should the business be sold, the new owners must contact the Hearing Officer staff to review the use permit.
2. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
3. The live entertainment shall be indoors only, no live entertainment will be allowed on the exterior patio; this is to include no outdoor speakers.
4. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing to re-evaluate the appropriateness of the use permit.
5. The use permit is valid for the plans as submitted within this application and any expansion or intensification of the use will require review of the use permit.
6. The applicant shall adhere to the City of Tempe Noise Ordinance.

**HISTORY & FACTS:**

April 20, 2007                      DPR07077: Approval for new outdoor patio

June 5, 2007                      DSM07015: Administrative Decision to reduce T.O.D. sidewalk clearance from eight (8) feet to six (6) feet.

**DESCRIPTION:**

Owner – Reds Moviola Inc.  
Applicant – James Hoffman  
Existing Zoning – CC, City Center District  
Building/Tenant Area – 1,523 s.f.  
Parking Required – Downtown Shared Parking Model

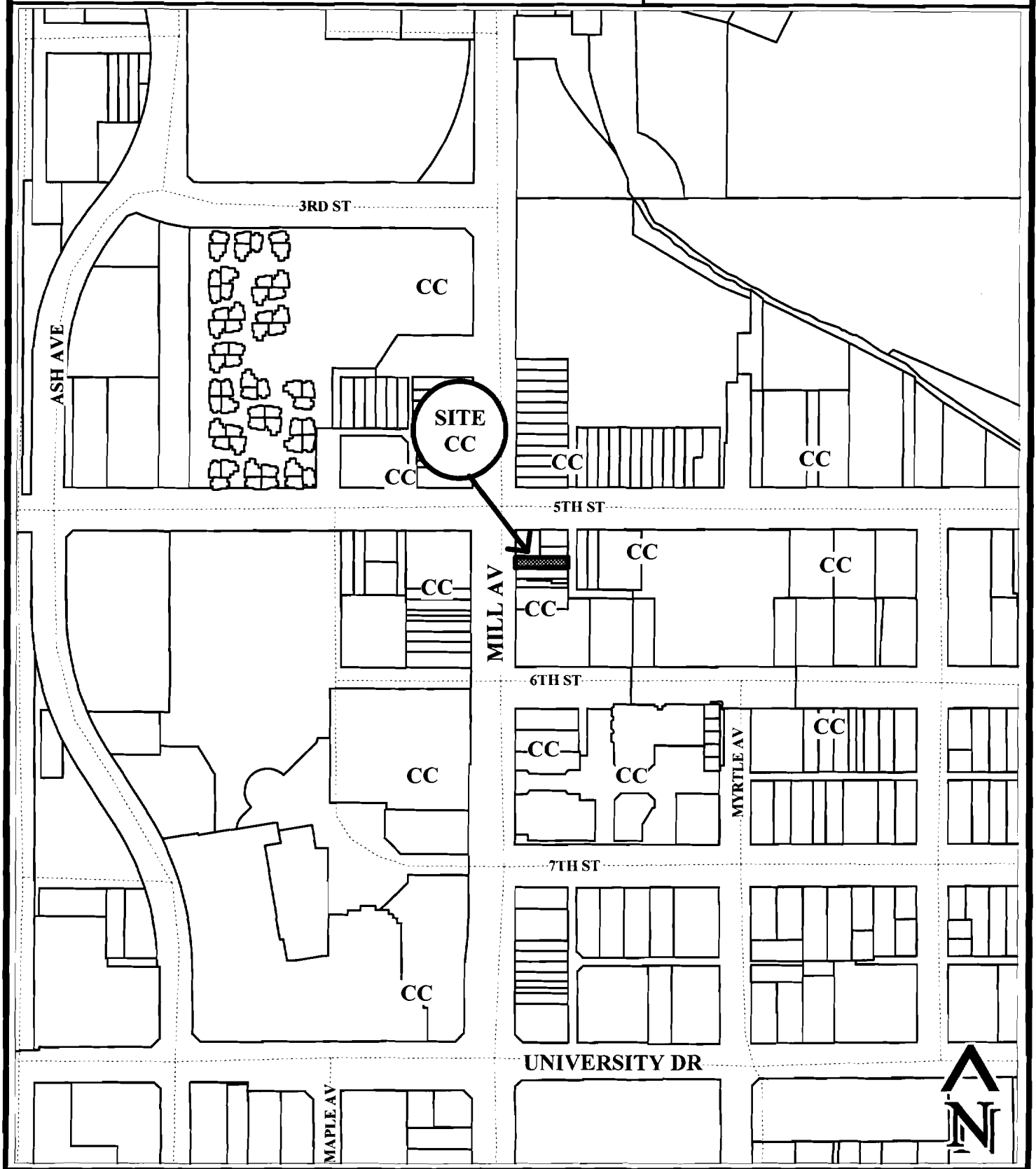
**ZONING AND  
DEVELOPMENT**

**CODE REFERENCE:**

Part 3, Chapter 2, Section 3-202, Table 3-202A – Permitted Land Uses in CC, City Center District.  
  
Part 6, Chapter 3, Section 6-308 – Use Permit

LA PITA BAR AND GRILL

PL080102





LA PITA BAR & GRILL (PL080102)

RECEIVED

4/04/08

03 APR -4 PM 3:56

To Whom It May Concern:

TEMPER  
SERVICES DEPARTMENT

This letter is in regards to La Pita Bar & Grill, located at 505 S. Mill Ave Tempe. La Pita Bar & Grill is the DBA of La Pita On Mill Inc. The company was founded in July of 2006 for the grand opening on Mill Ave. When the restaurant first opened we only served food and hookahs. Over time we have added a section six liquor license and are on the way to having an upscale lounge. Now with the changes in the laws of the State of Arizona we have to make some adjustments to our business to continue to stay strong.

At this time La Pita would like to request for an Entertainment Permit to have Karaoke, DJ and also Live Acoustic Music. The events will take place inside of the establishment during the hours of 9pm to 2 am Wednesday thru Saturday. La Pita's normal hours of operation are Monday and Tuesday from 11am-1am, Wednesday thru Saturday from 11am-3am and Sunday from Noon to Midnight. Thank you for taking the time for our request. If there are any questions or concerns please feel free to call me.

Sincerely,

James Hoffman  
Director of Operations  
La Pita Bar & Grill  
480-784-6700 Work  
480-334-9849 Cell

LOT 17

EXISTING VALLEY ART THEATER

LOT 16

NEW ADDITION

2-STORY BRICK BUILDING

50'0" X 20'0" E (25.19')

LOT - 15  
1-STORY BLDG.

2-STORY BUILDING

EXISTING  
BAR  
KITCHEN

MILL AVE.

**SITE PLAN**

SCALE 1" = 10' 0"



NEW BUILDING - 522 SQ. FT.  
EXISTING BUILDING - 1001 SQ. FT.

ADDRESS:  
208 SO MILL AVE.  
TEMPE, ARIZONA  
NON-SPRINKLER  
OWNER:  
VALLEY ART THEATER

ELECTRICAL MECHANICAL PLUMB

ART THEATER

BACK COUNTER AREA

ALL COUNTERS & OWNED

EXISTING GLASS  
AREA TO REMAIN

25x10





**LA PITA**

**505 S MILL AVE**

**PL080102**

**FRONT OF BUSINESS.**